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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,214	07/17/2006	Melvin MacKenzie Stewart	AP102-06	7851

29689 7590 05/08/2009
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EXAMINER

QUINN, COLLEEN M

ART UNIT	PAPER NUMBER
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3634

MAIL DATE	DELIVERY MODE
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05/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,214	Applicant(s) STEWART, MELVIN MACKENZIE	
	Examiner COLLEEN M. QUINN	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/17/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Conrad (US 3,508,628). Conrad discloses a ladder stabilizer for stabilizing a ladder (figure 1) comprising: an arm member (10) attachable to the ladder, the arm member including a body (16), a leg (18) and a foot (84); said leg being movable telescopically within the body (figures 1-3 & col. 2, lines 18-26), said foot being attached adjacent to an end of the leg (figure 1); and movable with respect to the leg (figure 3); and a brace (68) attached to the arm member and attachable to the ladder (figure 1); wherein a pivot hinge (38, 66) is attached adjacent an end of the arm body to pivotally mount the ladder stabilizer to a ladder (figure 3); the leg being fixed to the body using fastener (24); the foot being pivotally attached to the end of the leg and rotatably movable with respect to the leg (figure 3); and wherein the brace may be pivotally attached to the body (figure 3) wherein a tab (bracket portion 74) forming part of the body (figure 3) captures a pin (unnumbered pivot pin that extends through 74) located on the brace (figure 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad as applied to claims 1-6 and 8-11 above, and further in view of Grove (US 4,792,017). Although Conrad discloses the foot portion to be pivotal, Conrad does not specifically disclose the pivot means to be a threaded shaft within a nut.

However, Grove teaches a ladder stabilizer (figures 1 & 2) having a foot portion (30) comprising a threaded shaft (24) that rotates (when pin 28 is released) within a nut (26), providing adjustable rotatable feet for the ladder stabilizer and allowing for a greater variety of stabilizing positions to be obtained.

Therefore, it would have been obvious to one of ordinary skill in the art to provide the feet of Conrad with a threaded shaft and nut attachment as taught by Grove in order to provide a more versatile yet still secured, stabilizing foot attachment.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad as applied to claims 1-6 and 8-11 above, and further in view of Stewart (US 4,964,488). Although Conrad does disclose telescoping arm portions and collapsible braces, Conrad does not disclose the collapsible braces to be telescopic.

However, Stewart teaches a ladder stabilizer for stabilizing a ladder (figure 10) comprising a telescoping (col. 3, lines 19-21) arm member (2) pivotally attached to the ladder (figure 10) and secured with a telescoping (col. 3, lines 17-19) brace member (5)

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that extends from the ladder to a mid portion of the arm member, providing additional stability to the stabilizer and allowing for extra stabilizing positions to be arranged.

Therefore, it would have been obvious to one of ordinary skill in the art to provide the ladder stabilizing apparatus of Conrad with a telescoping brace as taught by Stewart in order to allow for extra stabilizing positions to be arranged at a variety of widths.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COLLEEN M. QUINN whose telephone number is (571)272-6289. The examiner can normally be reached on 8:30AM-5:00PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. M. Q./

Examiner, Art Unit 3634

/Alvin C. Chin-Shue/

Primary Examiner, Art Unit 3634